

SENATE BILL 485

By Finney R.

AN ACT to enact the "Report to the Taxpayers of Efficient and Honest Government Act of 2007" and to amend Tennessee Code Annotated, Title 4.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Title 4, Chapter 4, is amended by adding Sections 2 through 7 of this act as a new, appropriately designated part.

SECTION 2. This act shall be known and may be cited as the "Report to the Taxpayers of Efficient and Honest Government Act of 2007".

SECTION 3. The general assembly finds and declares that the citizens and taxpayers of this state deserve and are entitled to assurance that state government is operated as efficiently and honestly as possible.

SECTION 4. Each department of state government created and established under the provisions of title 4, chapter 3, shall maintain an active program of prevention, detection and correction of waste, mismanagement, abuse or fraud within the department. Upon discovery of waste, mismanagement, abuse or fraud within a department, the commissioner of the department shall take appropriate action to correct such waste, mismanagement or abuse and, if the commissioner believes civil action should possibly be pursued for the recovery of funds or criminal activity has occurred, the commissioner shall notify the attorney general and reporter, who shall investigate the matter.

SECTION 5. Each year in January, each commissioner on behalf of the commissioner's department and the governor shall execute a report to the citizens of Tennessee, that shall be submitted to the general assembly on behalf of the citizens and that attests to the fiscal responsibility of the commissioner's department for the fiscal year ending the preceding June

30. The report shall be in the following form and shall be signed and dated by both the commissioner and the governor:

REPORT OF FISCAL RESPONSIBILITY

We, _____, commissioner of the department of _____, and _____, governor of the state of Tennessee, hereby report to the citizens of Tennessee the following:

The department of _____ has had an active, ongoing and conscientious program to prevent, detect and correct any waste, mismanagement, abuse or fraud within the department. All employees of the department have been informed of the program and encouraged to report to the commissioner or to the designated representative of the commissioner any waste, mismanagement, abuse or fraud within the department that has come to the attention of the employee.

To the best of our knowledge and belief, we report to the citizens of the state of Tennessee that the department of _____ has been operated as efficiently and honestly as possible during fiscal year _____.

We join the general assembly in thanking the citizens of Tennessee for their labor that has provided the taxes whereby state government can be operated.

SECTION 6.

(a) The commissioner shall deliver the signed report in January of each year to the speaker of the senate and the speaker of the house of representatives prior to the presentation of the state budget for the next fiscal year. The report shall be distributed to the appropriate legislative committees as determined by the speakers prior to the consideration of the department's budget.

(b) If a commissioner fails to deliver the report of fiscal responsibility timely as required in subsection (a), the department's requested budget for the next fiscal year

shall be reduced by ten percent (10%); provided, that the ten percent (10%) budget reduction may be restored during consideration of the department's budget by the appropriate legislative committees, if the commissioner delivers the report prior to consideration of the department's budget.

SECTION 7. Notwithstanding the any provision of Sections 5 or 6 to the contrary, the first reports of fiscal responsibility shall be filed in January 2008 and shall apply to the first six (6) months of the 2007-2008 fiscal year. Reports filed in subsequent Januarys shall apply to the fiscal year ending the preceding June 30.

SECTION 8. This act shall take effect July 1, 2007, the public welfare requiring it.